

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JAMES LA VELL HARRIS,
Plaintiff,

v.

LAKE COUNTY SHERIFF'S
DEPARTMENT, et al.,
Defendants.

Case No. 15-cv-00850-NJV

**ORDER STRIKING AMENDED
COMPLAINT**

Re: Dkt. No. 28

This case proceeds on the original complaint filed February 25, 2015. (Doc. 1.) On June 3, 2015, Defendants filed a motion to dismiss pursuant to Rule 12(b)(6), Federal Rules of Civil Procedure. (Doc. 12.) Plaintiff filed an opposition to that motion on June 25, 2015. (Doc. 14.) The court took Defendants' motion under submission on July 14, 2015. (Doc. 22.) On August 27, 2015, Plaintiff filed an amended complaint. (Doc. 28.)

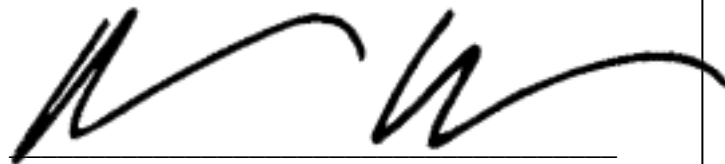
A party may amend its pleading once as a matter of course within 21 days after serving it or within 21 days after service of a motion under Rule 12(b). Rule 15(a)(1), Federal Rules of Civil Procedure. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. Rule 15(a)(2), Federal Rules of Civil Procedure.

In the present case, Plaintiff filed an amended complaint more than two months past the 21 day deadline after the filing of Defendants' motion to dismiss. Plaintiff also filed his amended complaint without the opposing party's written consent and without the court's leave. Plaintiff's amended complaint was therefore filed in violation of the Federal Rules of Civil Procedure.

1 Accordingly, Plaintiff's amended complaint filed August 27, 2015, is HEREBY
2 STRICKEN and shall not be considered for any purpose.

3
4 **IT IS SO ORDERED.**

5 Dated: August 28, 2015

A handwritten signature in black ink, appearing to read 'Nandor J. Vadas', is written over a horizontal line.

NANDOR J. VADAS
United States Magistrate Judge